

the district court a libel praying seizure and condemnation of 509 cases of canned crab meat at San Francisco, Calif.; alleging that the article had been packed by the Gulf Packing Co., of Cordova, Alaska, and had been shipped in interstate commerce on or about September 23 and October 11, 16, and 23, 1937, from Seattle, Wash., by American Transfer Co.; and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Alaskimo Brand Alaska Crab R. M. Gardiner Distributor San Francisco, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On August 23, 1938, Robert M. Gardiner having appeared as claimant, the court entered findings to the effect that the product had been packed by the Gulf Packing Co.; that it had been shipped by said Gulf Packing Co. from Cordova, Alaska, to San Francisco, Calif.; and that it, or some part thereof, was adulterated as alleged. Judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29351. Misbranding of canned tomatoes. U. S. v. 97 Cases and 47 Cases of Canned Tomatoes. Default decree of condemnation. Product disposed of for charitable purposes. (F. & D. Nos. 41474, 41475. Sample Nos. 2605-D, 2606-D.)**

This product fell below the standard established by this Department because it was not normally colored, and because of the presence of excessive peel, and it was not labeled to indicate that it was substandard.

On January 19, 1938, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 97 cases of canned tomatoes at Pauls Valley, Okla., and 47 cases of the product at Ardmore, Okla.; alleging that the article had been shipped in interstate commerce on or about June 16, 1937, from Santa Rosa, Tex., by A. S. Beard Canning Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lone Brand Tomatoes \* \* \* Packed By A. S. Beard Santa Rosa, Texas Roanoke, Va."

It was alleged to be misbranded in that it was not normally colored and the fruit was not peeled, since there was present more than 3 square inches of peel per pound of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On June 3, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of for charitable purposes.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29352. Misbranding of canned cherries. U. S. v. 24 Cases of Red Pitted Cherries. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 43012. Sample No. 27507-D.)**

This product was substandard because it was packed in water, and it was not labeled to indicate that it was substandard.

On July 15, 1938, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of canned cherries at Sheridan, Wyo.; alleging that the article had been shipped in interstate commerce on or about April 12, 1938, from Red Lodge, Mont., by Red Lodge Canning Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ravalli \* \* \* Red Pitted Cherries \* \* \* Packed by Red Lodge Canning Co."

It was alleged to be misbranded in that it fell below the standard of quality, condition, and fill of container promulgated by the Secretary of Agriculture for such canned food and none of its packages and labels bore a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that such canned food fell below such standard.

On August 4, 1938, Red Lodge Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*